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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/737,234

12/16/2003

Nick J. Grivas

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Continental Automotives Systems, Inc.

Patents & Licenses

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EXAMINER

PHUONG, DAI

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/737,234	<b>Applicant(s)</b> GRIVAS ET AL.	
	<b>Examiner</b> DAI A. PHUONG	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 13, 14, 26-34 and 42-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13, 14, 26-34, 42-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Argument***

1. Applicant's arguments, filed 03/26/10, with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

2. Claims 42 and 46 are objected to because of the following informalities:

Regarding claims 42 and 46, line 3 recites "a memory". It should be corrected as - - the memory- -; line 5-6 recites "a telematics". It should be corrected as - - the telematic- -.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-8, 26-27, 29-33, 43-47 and 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (U.S. 5859628) in view of McCarthy et al. (Pub. No.: 20010055165).

Regarding claim 1, Ross et al. disclose a method, comprising:

providing a docking apparatus 104 (fig. 1 below, cradle 104) coupled to interface with a vehicle (col. 10, lines 1-6. Ross et al. disclose “the cradle contains an interface to the vehicle's intelligent controller. The vehicle-specific connection taps into the vehicle's main data bus or has a separate connection directly to the main controlling onboard computer. Thus, the cradle could have the capability of receiving information from and sending information to the vehicle's intelligence”);

communicatively coupling a remote communications device 102 (fig. 1 below, PDA 102) to the docking apparatus 104 (fig. 1 below, cradle 104) (col. 4 lines 56-65. Ross et al. disclose “housing 302 includes an infrared (IR) window, or IR link, for communicating with PDA 102”),

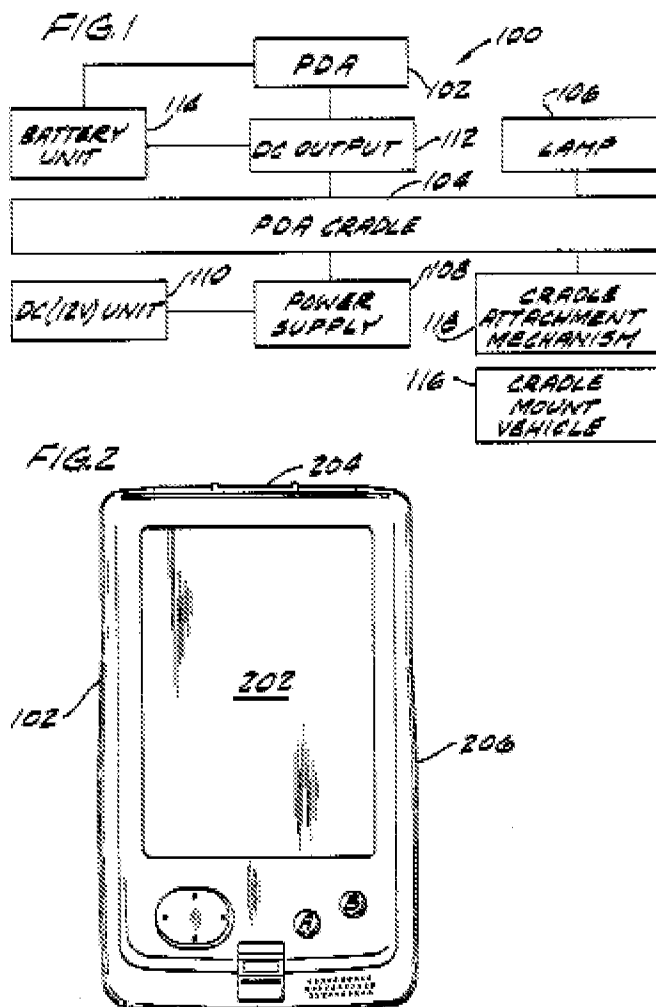
wherein the remote communications device (PDA 102) does not include a telematics functionality module (for example moving map/status information) (col. 9, line 57 to col. 10, line 54. Ross et al. disclose “a conventional CD changer located in the vehicle can be interconnected to the PDA through the cradle to provide moving map displays on the PDA's screen” or “providing the PDA with vehicle status information”. Based upon the passage above, it should be noted that the PDA does not include a telematics functionality module (moving map/status information) before or during establishing a connection with the cradle 104); and

the docking apparatus (fig. 1 below, cradle 104) communicating with the remote communications device 102 (fig. 1 below, PDA 102) to include the telematics functionality module (moving map/status information) in a memory of the remote communications device (PDA 102) (col. 9, line 57 to col. 10, line 54. Ross et al. disclose “a conventional CD changer located in the vehicle can be interconnected to the PDA through the cradle to provide moving map displays on the PDA's screen” or “providing the PDA with vehicle status information”. It

Art Unit: 2617

should be noted that after establishing the connection with the PDA 102, the cradle 104 communicates with the PDA for providing the telematics functionality module (moving map/status information), including:

(i) the docking apparatus (cradle 104) downloading the telematics functionality module (moving map) into the memory of the remote communications device (PDA 102) (col. 9, line 57 to col. 10, line 54. Ross et al. disclose “a conventional CD changer located in the vehicle can be interconnected to **the PDA through the cradle to provide moving map displays on the PDA's screen**” or “vehicle information status”. It should be noted that the moving map or vehicle information status should be stored in a memory or buffer of the PDA for displaying), **or** (ii) the docking apparatus supplying the remote communications device with a download location to download the telematics functionality module into the memory from the download location.



However, Ross et al. do not disclose wherein the telematics functionality module provides telematics functionality that is specific the vehicle and that is based on vehicle-identification information that the docking apparatus associates to the remote communication device.

In the same field of endeavor, McCarthy et al. disclose wherein the telematics functionality module provides telematics functionality that is specific the vehicle and that is

based on vehicle-identification information ([0024]. The mobile device provides identity to the vehicle in order to activate/deactivate a security system or door locks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross et al. by specifically including wherein the telematics functionality module provides telematics functionality that is specific the vehicle and that is based on vehicle-identification information, as taught by McCarthy et al., the motivation being in order to operate the vehicle by using the mobile phone instead of using conventional key.

Regarding claim 2, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 1. Further, McCarthy et al. disclose the telematics functionality module comprises one or more telematics related applications including at least one of a personal telematics application, a security application, a hands-free application, an air bag system notification application ([0024]).

Regarding claim 4, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 1. Further, Ross et al. disclose the method wherein communicatively coupling comprises communicatively coupling using at least one of a wireless link and a wireline link (col. 4 lines 19-65).

Regarding claim 5, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 1. Further, Ross et al. disclose the method further comprising: the remote communications device (PDA 102) detecting the docking apparatus (cradle 104) (col. 6, lines 24-53); and the docking apparatus (cradle 104) and the remote communications device (PDA 102) exchanging capability data (col. 5, lines 1-11 and col. 6, lines 12-53).

Regarding claim 6, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 5. Further, Ross et al. disclose the method wherein the capability data comprises at **least one of** a software configuration, a hardware configuration, identification data and security data (col. 5, lines 1-11 and col. 6, lines 12-53).

Regarding claim 7, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 1. Further, Ross et al. disclose the method further comprising: the docking apparatus detecting the remote communications device (col. 5, lines 1-11 and col. 6, lines 12-43); and the docking apparatus and the remote communications device exchanging capability data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 8, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 1. Further, Ross et al. disclose the method wherein the capability data comprises at least one of a software configuration, a hardware configuration, identification data and security data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 26, the claim is rejected for the same reason as set forth in claim 1.

Regarding claim 27, the claim is rejected for the same reason as set forth in claim 2.

Regarding claim 29, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 26. Further, Ross et al. disclose the docking apparatus wherein communicatively coupling comprises communicatively coupling using at **least one of** a wireless link and a wireline link (col. 4 lines 19-65).

Regarding claim 30, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 26. Further, Ross et al. disclose the docking apparatus wherein comprising:



Art Unit: 2617

the remote communications device (PDA 102) detecting the docking apparatus (cradle 104) (col. 6, lines 24-53); and the docking apparatus (cradle 104) and the remote communications device (PDA 102) exchanging capability data (col. 5, lines 1-11 and col. 6, lines 12-53).

Regarding claim 31, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 30. Further, Ross et al. disclose the docking apparatus wherein the capability data comprises at **least one of** a software configuration, a hardware configuration, identification data and security data (col. 5, lines 1-11 and col. 6, lines 12-53).

Regarding claim 32, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 26. Further, Ross et al. disclose the docking apparatus wherein further comprising: the docking apparatus detecting the remote communications device (col. 5, lines 1-11 and col. 6, lines 12-53); and the docking apparatus and the remote communications device exchanging capability data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 33, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 32. Further, Ross et al. disclose the docking apparatus wherein the capability data comprises at least one of a software configuration, a hardware configuration, identification data and security data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 43, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 1. Further, McCarthy et al. disclose the method wherein the telematics functionality that is specific to the vehicle includes at least one of: door locking, remote access, and remote start ([0024]).

Regarding claim 44, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 2. Further, McCarthy et al. disclose the method wherein the hand-free application is specific to the vehicle ([0024]).

Regarding claim 47, the claim is rejected for the same reason as set forth in claim 43.

Regarding claim 48, the claim is rejected for the same reason as set forth in claim 44.

5. Claims 3 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (U.S. 5859628) in view of McCarthy et al. (Pub. No.: 20010055165) and further in view of Poplawsky et al. (Pub. No.: 20020032042).

Regarding claim 3, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 1. However, Ross et al. do not disclose the method wherein the docking apparatus is a car kit.

In analogous art, Poplawsky et al. disclose the method wherein the docking apparatus (cradle) is a car kit ([0005]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross et al. by specifically including the method wherein the docking apparatus (cradle) is a car kit, as taught by Poplawsky et al., the motivation being in order to enable a person to have conversation on a mobile call without having to hold a mobile handset.

Regarding claim 28, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 26. However, Ross et al. do not disclose the docking apparatus is a car kit.

In analogous art, Poplawsky et al. disclose the docking apparatus (cradle) is a car kit ([0005]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross et al. by specifically including the docking apparatus (cradle) is a car kit, as taught by Poplawsky et al., the motivation being in order to enable a person to have conversation on a mobile call without having to hold a mobile handset.

6. Claims 9 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (U.S. 5859628) in view of McCarthy et al. (Pub. No.: 20010055165) and further in view of Yoshioka et al. (U.S. 6262655).

Regarding claim 9, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 1. Further, Ross et al. disclose the method wherein the docking apparatus (cradle 104) downloading the telematic functionality module (moving map or vehicle status) into the memory of the remote communication device (PDA 102) (col. 9, line 57 to col. 10, line 54).

However, the combination of Ross et al. and McCarthy et al. do not disclose rewriting at least a portion of a memory of the remote communications device to include the telematics functionality module.

In an analogous art, Yoshioka et al. disclose rewriting into a memory 15 of the remote communications device 1 to include the telematics functionality module (telephone number or vehicle registration number ) (col. 8, line 45 to col. 9, line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross et al. by specifically including rewriting into

Art Unit: 2617

a memory 15 of the remote communications device 1 to include the telematics functionality module, as taught by Yoshioka et al., the motivation being in order to replace information, e.g., telephone number or vehicle registration number into a memory of a terminal device.

Regarding claim 34, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 26. Further, Ross et al. disclose the docking apparatus wherein the instructions for the docking apparatus (cradle 104) downloading the telematic functionality module (moving map) into the memory of the remote communication device (PDA 102) (col. 9, line 57 to col. 10, line 54).

However, the combination of Ross et al. and McCarthy et al. do not disclose instruction for the docking apparatus rewriting at least a portion of a memory of the remote communications device to include the telematics functionality module.

In an analogous art, Yoshioka et al. disclose rewriting into a memory 15 of the remote communications device 1 to include the telematics functionality module (telephone number or vehicle registration number) (col. 8, line 45 to col. 9, line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross et al. by specifically including rewriting into a memory 15 of the remote communications device 1 to include the telematics functionality module, as taught by Yoshioka et al., the motivation being in order to replace information, e.g., telephone number or vehicle registration number into a memory of a terminal device.

Art Unit: 2617

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (U.S. 5859628) in view of McCarthy et al. (Pub. No.: 20010055165) and further in view of Kawai (Pub. No.: 20020083000).

Regarding claim 13, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 1. However, Ross et al. do not disclose wherein erasing the telematics functionality module from the memory of the remote communications device when the remote communication device ceases being communicatively coupled to the docking apparatus.

In analogous art, Kawai discloses erasing the telematics functionality module (electronic guide information) from the memory when the remote communications device ceases being communicatively coupled to the system ([0078] to [0085]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross et al. by specifically including erasing the telematics functionality module (electronic guide information) from the memory when the remote communications device ceases being communicatively coupled to the system, as taught by Kawai, the motivation being in order to prevent information leaking to a third party.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (U.S. 5859628) in view of McCarthy et al. (Pub. No.: 20010055165) and further in view of Namaky (Pub. No.: 20040227523).

Regarding claim 14, the combination of Ross et al. and McCarthy et al. disclose all the limitation in claim 1. Furthermore, Ross et al. disclose the method further comprising: the docking supplying the remote communications device with a Road Manager to download the

Art Unit: 2617

telematics functionality module into the memory from the Road Manager comprises: the remote communication device downloading the telematics functionality module into the memory from the Road Manager supplied by the docking apparatus.

However, the combination of Ross et al. and McCarthy et al. do not disclose a download location.

In an analogous art, Namaky discloses a download location ([0055] to [0059]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ross et al. by specifically a download location, as taught by Namaky, the motivation being in order to allows a user to connect the cellular phone to a data link connector located in a vehicle, download software to either an adaptor or the cellular phone, retrieve information relating to diagnostic tests on the vehicle and view the results on the cellular phone display, and/or communicate the results to another person or device.

#### **Allowable Subject Matter**

9. Claims 42, 45, 46 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2617

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dai A Phuong/  
Examiner, Art Unit 2617  
Date: 06/16/2010

/Patrick N. Edouard/  
Supervisory Patent Examiner, Art Unit 2617